

Decision 19-08-011 August 1, 2019

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

RADIANT BMT, LLC,

Complainant,

vs.

SOUTHERN CALIFORNIA EDISON  
COMPANY (U338E),

Defendant.

Case 17-08-007

**ORDER EXTENDING STATUTORY DEADLINE****Summary**

Pub. Util. Code § 1701.2(e) provides that adjudicatory matters such as this complaint case shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the 12-month deadline. In this proceeding, the 12-month deadline for resolving the case was August 8, 2018. By Decision 18-07-043, the statutory deadline was extended to August 8, 2019. This decision extends the statutory deadline in this proceeding until August 8, 2020.

**1. Background**

On August 8, 2017, Radiant BMT, LLC (Radiant) filed a Complaint against defendant Southern California Edison Company (SCE) for the denial of Program Participation Requests (PPRs). The requests were for four different projects under the As-Available Non-Peaking product type in the Renewable Market Adjusting Tariff (ReMAT). Radiant seeks relief in the form of a Commission

order directing SCE to accept the PPRs for the projects under ReMAT's As-Available Non-Peaking product type and under the Rules in effect when the initial requests were made.

On September 22, 2017, SCE answered the Complaint and filed a Motion to Dismiss the Complaint.

On October 9, 2017, Radiant responded to SCE's Motion to Dismiss and filed a Motion for Summary Judgement.

On October 16, 2017, the prehearing conference in Case 17-08-007 was held to determine the parties, discuss the scope, the schedule, and other procedural matters in the case.

On October 24, 2017, SCE filed a response to Radiant's Motion for Summary Judgement and revised their Motion for Summary Judgement.

On November 3, 2017, the Scoping Memo was issued. The schedule set forth an effort to resolve the matter informally. The effort would include at least two meetings by representatives of the parties with decision-making authority before the end of January 2018.

On December 6, 2017, Radiant and SCE filed a Joint Statement of Undisputed Facts. Radiant and SCE agree that there are no material facts in dispute, and that the matter should be resolved based on law.

On July 26, 2018, the Commission adopted Decision 18-07-043 extending that statutory deadline from August 8, 2018 to August 8, 2019.

An extension in this case is again needed for continued consideration of the legal arguments and positions. We believe that a 12-month extension of time, until August 8, 2020, should be sufficient to allow for the drafting and issuance of a Presiding Officer's Decision (POD) and a decision by the Commission and the parties whether to adopt it or to consider an appeal.

## **2. Waiver of Comments on Proposed Decision**

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(e). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

## **3. Assignment of Proceeding**

Genevieve Shiroma is the assigned Commissioner and Regina DeAngelis is the assigned Administrative Law Judge (ALJ) and presiding officer in this proceeding.

## **Findings of Fact**

1. The complaint in this case was filed on August 8, 2017.
2. An extension of time until August 8, 2020 should allow the ALJ adequate time to draft a POD, provide parties with time to decide whether to file an appeal of the POD pursuant to Rule 14.4(a) of the Rules of Practice and Procedure, and any concerned Commissioner to decide whether to request review of the POD pursuant to Rule 14.4(b).

## **Conclusion of Law**

Pursuant to the authority granted to the Commission under Pub. Util. Code § 1701.5, the statutory deadline should be extended to August 8, 2020.

**IT IS ORDERED** that the 12-month statutory deadline in this proceeding, August 8, 2019, is extended to and including August 8, 2020.

This order is effective today.

Dated August 1, 2019, at San Francisco, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners